

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

HOUSE JUDICIARY COMMITTEE

Date: Friday, February 6, 2009
Place: Capitol

Time: 8:00 am
Room: 137

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 318, HB 340, HB 349

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

HB 248 (DP) _____
HB 246 (Fied) _____

COMMENTS:



REP. Ron Stoker, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
JUDICIARY COMMITTEE

DATE: 2/6/2009

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Rep. Peterson	X	
Rep. Kottel	X	
Rep. Kerns	X	
Rep. Sands	X	
Rep. Bennett	X	
Rep. MacDonald	X	
Rep. More	X	
Rep. Ebinger	X	
Rep. Wagner	X	
Rep. Becker	X	
Rep. Driscoll	X	
Rep. Regier	X	
Rep. McClafferty	X	
Rep. Howard	X	
Rep. Blewett	X	
Rep. Warburton	X	
Rep. Menahan	X	
Rep. Stoker	X	



HOUSE STANDING COMMITTEE REPORT

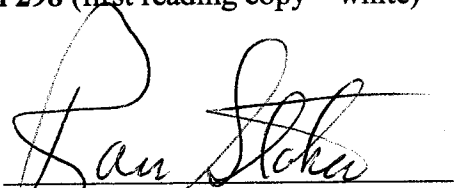
February 6, 2009

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Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 298** (first reading copy – white) **do pass.**

Signed:


Representative Ron Stoker, Chair

- END -

Committee Vote:

Yes 16, No 2

Fiscal Note Required ☐

HB0298001SC.hjd

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 2/6/2009 BILL NO HB 246 MOTION NO. _____
 MOTION: _____

Conceptual Amendment (Rep. Menahan)

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson		X	
Deborah Kottel	X		
Krayton Kerns		X	
Diane Sands	X		
Gerald Bennett		X	
Margaret MacDonald	X		
Michael More		X	
Bob Ebinger	X		
Bob Wagner		X	
Arlene Becker	X		
Robyn Driscoll	X		
Keith Regier		X	
Edith McClafferty	X		
David Howard		X	
Anders Blewett	X		
Wendy Warburton		X	
Mike Menahan	X		
Ron Stoker		X	

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 2/6/09 BILL NO HB 246 MOTION NO. _____
MOTION: _____

DO PASS HB 246

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>If Proxy Vote, check here & include signed Proxy Form with minutes</u>
Ken Peterson	X		
Deborah Kottel		X	
Krayton Kerns	X		
Diane Sands		X	
Gerald Bennett	X		
Margaret MacDonald		X	
Michael More	X		
Bob Ebinger		X	
Bob Wagner	X		
Arlene Becker		X	
Robyn Driscoll		X	
Keith Regier	X		
Edith McClafferty		X	
David Howard	X		
Anders Blewett		X	
Wendy Warburton	X		
Mike Menahan		X	
Ron Stoker	X		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 2/6/09 BILL NO HB 298 MOTION NO. _____
 MOTION: _____

DO PASS HB 298

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson	X		
Deborah Kottel	X		
Krayton Kerns	X		
Diane Sands	X		
Gerald Bennett	X		
Margaret MacDonald	X		
Michael More		X	
Bob Ebinger	X		
Bob Wagner		X	
Arlene Becker	X		
Robyn Driscoll	X		
Keith Regier	X		
Edith McClafferty	X		
David Howard	X		
Anders Blewett	X		
Wendy Warburton	X		
Mike Menahan	X		
Ron Stoker	X		

HOUSE OF REPRESENTATIVES
Judiciary Committee

WITNESS STATEMENT

PLEASE PRINT

NAME ROBERT LINDEMAN BILL NO. 318

ADDRESS _____ DATE _____

WHOM DO YOU REPRESENT? IASC

SUPPORT: X OPPOSE _____ AMEND _____

COMMENTS:

OUR INDUSTRY ASSOCIATION SUPPORTS THE BILL
SUBJECT TO THE AMENDMENTS WE HAVE
PREVIOUSLY SUBMITTED TO REP. KOTTEL

**Montana House of Representatives
Visitors Register**

JUDICIARY COMMITTEE

Date 2/6/09

Bill No. HB 349 **Sponsor(s)** Rep. Villa

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
DAVE PAULI	HSUS / MACA	✓		
Ingrid Rosenqvist	Yellowstone city Atty	✓		
CHUCK CERNY	VOLUNTEER	✓		
Connie Terris O'Hara	Myself	✓		
Tyler Kachel	Lewis & Clark Humane Society	✓		
Melinda Peterson	Great Falls Int	✓		
Ray Ols Tuana	MT. Animal Care Assoc Butte SPCA	✓		
Jane Heath Helena	Montana Horse Sanctuary, Inc.	✓		
Joan Speckling Helena	Montana Horse Sanct	✓		
Ray Beck - Helena	self	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

JUDICIARY COMMITTEE

Date 2/5/09

Bill No. HB 340 Sponsor(s) Rep. MacDonald

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Name and Address	Representing	Support	Oppose	Inf.
WILMOT J. COLLINS HELENA, MT.	SELF	✓		
Rafael - Helena	Self	✓		
Alison James	SELF	✓		
Jamee Greer	Human Rights Network	✓		
Joni MacDonald	Self	✓		
Niki Zupanic	ACLU	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**Montana House of Representatives
Visitors Register**

JUDICIARY COMMITTEE

Date 2/5/09

Bill No. HB 313 Sponsor(s) Rep. Kottel

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
<i>Merdyn</i>				
<i>Toy Truck</i>	<i>AARP MT</i>	✓		
<i>Bro. A. Spence</i>	<i>Self</i>	✓		
<i>MICHAEL MOORE</i>	<i>MCA</i>	✓		
<i>EMMA KEEHNEN</i>	<i>USOBA</i>		✓	✓
<i>Heather Carmichael</i>	<i>Credit Solutions</i>		✓	✓
<i>Toni Jacobson</i>	<i>Rural Dynamics</i>	X		
<i>Stacy McKay</i>	<i>Victim</i>	X		
<i>Angela Helfern</i>	<i>Rural Dynamics</i>	✓		
<i>Tim Robbins</i>	<i>Rural Dynamics</i>	✓		
<i>Bruce McIntyre</i>	<i>B. Kings Church</i>	X		
<i>ROBERT LINDERMAN</i>	<i>TASC</i>	X		
<i>Ray Reed-Holmes</i>	<i>Self</i>	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**House Committee on Judiciary
Hearing on House Bill No. 349
An Act Revising Animal Cruelty Laws
and for other purposes
February 6, 2009**

Written Testimony Submitted by:

**Joanna R. Shelton
Moiese, Montana**

Members of the Committee:

I am an individual in Montana who has followed with increasing dismay and disgust newspaper reports of animal neglect and abuse leading to the death, incapacitation or severe harm to horses, dogs, and other animals that depend on humans for their care. Like many caring Montanans, I am equally dismayed by the light sentences frequently meted out to those individuals found guilty of abuse or neglect.

I am not a member of any animal rights organization nor am I in communication with anyone lobbying on this issue. I am simply an informed animal owner who believes that anyone owning, breeding or using an animal should be sufficiently responsible to ensure the animal's care and well-being. Sadly, it is clear that some individuals do not take this responsibility seriously. Moreover, abuse or neglect of an animal also reveals a lack of compassion that many studies have shown often spills over into maltreatment of children and other vulnerable persons.

I believe it is high time for Montana to increase the penalties for animal abuse or neglect, sending a message that such behavior will not be tolerated in this state. Such action is warranted on its own merits. But it also is important to toughen state laws now to assure that negligent breeders or other irresponsible individuals from states with strict laws not seek Montana as a safe haven.

While laws will never prevent all abuses, tough penalties, a requirement for counseling for repeat offenders, and the inclusion of knowing spectators at animal fights will send a message that Montanans care about our four-footed critters. I urge committee members to approve HB 349 and recommend it favorably to the House.

Thank you for your consideration of my views.

TO: Judiciary Committee Members
House of Representatives
RE: HB 349 Cruelty law revisions

Dear Chairman Stoker and Committee Members:

I strongly urge your vote to pass HB 349. Our current animal cruelty laws are woefully inadequate and do little more than provide a slap-on-the wrist punishment to those who abuse non-human animals. While I believe HB 349 covers too few animals and permits too many exceptions, it is a positive, progressive step toward protecting animals in our state from mistreatment and toward holding abusers accountable for their offenses.

It is, sadly, too common that so many animals need to be rescued whether from dog fighting rings, disease ridden puppy mills, horses left to starve, or obsessive hoarding and neglect. Often the stories we hear are heartbreaking; others are horrifying examples of negligence and cruelty. As kind and empathetic as many people are, there are humans capable of extraordinary cruelty to non-human animals over which they have control.

Further, the pain and suffering of abuse extends far beyond helpless animal victims. Caretakers, veterinarians, law enforcement, public and private organizations and agencies, as well as ordinary citizens who provide help in mending the abused are also victims. The toll on human and financial resources (both public and private) is often enormous. It's time to put accountability where it belongs, to take proactive steps at prevention, and to give animals in our state the necessary protection they deserve.

May I suggest Section 1 (4) read: *For the purposes of this section, "animal" means any bird, amphibian, reptile, or mammal except humans.*

Thank you.



Constance Carson
242 Cap De Villa
Lolo, MT 59847
